

1 where they didn't take your property, might be damaging,  
2 give you damages, and another one might not.

3 All of those matters are a question of fact the  
4 same as the value is a question of fact when there is  
5 an actual taking.

6 DELEGATE GILCHRIST: May I then ask what is the  
7 situation under which you would under your amendment  
8 allow compensation to a person if this is done for  
9 public purposes but if a private person goes across the  
10 street and builds something which is just as objection-  
11 able, you would have no right to recover from the private  
12 person; so this is done for good, the person would be  
13 entitled to a recovery but if it is done for a private  
14 gain you couldn't recover?'

15 DELEGATE CLARK: Delegate Weidemeyer.

16 DELEGATE WEIDEMEYER: In that area, if damages  
17 were suffered by the public generally, that is one thing,  
18 but what this is intended to be, is where the individual  
19 suffers that damage over and above that suffered by the  
20 public.

21 DELEGATE CLARK: Delegate Gilchrist.